EXHIBIT A

EXHIBIT A

A- 15- 713050- C

DISTRICT COURT CIVIL COVER SHEET Clark County, Nevada

XXII

Case No.			
I. Party Information (provide both ho	(Assigned by Clerk'.	s Office)	
	ome and mailing addresses if different)	15.6	
Plaintiff(s) (name/address/phone):		{	unt(s) (name/address/phone):
Linda Welsh	THE		an Barbeque Nevada, LLC. d/b/a and a/k/a Famous
			a Nevada limited company; EMPLOYEE(S)/AGENT(S)
		DOES 1	-10; AND ROS CORPORATIONS 11-20, inclusive
	I. ** Y-117-F19-Y-1-F19-HHUMBANSI KARIMINA KANTON PERMUAKAN PERMUAK	-	
Attorney (name/address/phone):		Attorne	y (name/address/phone):
Gabroy Law Offices	MANAGARANAS AND		
170 S Green Valley Parkway, Suite 28	30		
Henderson, NV 89012			The state of the s
(702) 259-7777	2 November 2 and 1		VVA
II. Nature of Controversy (please s.	elect the one most applicable filing type	: below)	
Civil Case Filing Types			
Real Property			Torts
Landlord/Tenant	Negligence		Other Torts
Unlawful Detainer	Auto		Product Liability
Other Landlord/Tenant	Premises Liability		Intentional Misconduct
Title to Property	Other Negligence		Employment Tort
Judicial Foreclosure	Malpractice		Insurance Tort
Other Title to Property	Medical/Dental		Other Tort
Other Real Property	Legal		
Condemnation/Eminent Domain	Accounting		
Other Real Property	Other Malpractice		
Probate	Construction Defect & Cont	ract	Judicial Review/Appeal
Probate (select case type and estate value)	Construction Defect		Judicial Review
Summary Administration	Chapter 40		Foreclosure Mediation Case
General Administration	Other Construction Defect		Petition to Seal Records
Special Administration	Contract Case		Mental Competency
Set Aside	Uniform Commercial Code		Nevada State Agency Appeal
Trust/Conscrvatorship	Building and Construction		Department of Motor Vehicle
Other Probate	Insurance Carrier		Worker's Compensation
Estate Value	Commercial Instrument		Other Nevada State Agency
Over \$200,000	Collection of Accounts		Appeal Other
Between \$100,000 and \$200,000	Employment Contract		Appeal from Lower Court
Under \$100,000 or Unknown	Other Contract		Other Judicial Review/Appeal
Under \$2,500			
Civil	Writ		Other Civil Filing
Civil Writ			Other Civil Filing
Writ of Habeas Corpus	Writ of Prohibition		Compromise of Minor's Claim
Writ of Mandamus	Other Civil Writ		Foreign Judgment
Writ of Quo Warrant	·-		Other Civil Matters
Business C	ourt filings should be filed using th	e Busines	s Court civil coversheet.
	THE RESIDENCE OF THE PROPERTY	ĵ.	
01/28/2015		8,5	· Co
Date		Signa	iture of initiating party or representative

See other side for family-related case filings.

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COMP
GABROY LAW OFFICES
Christian Gabroy (#8805)
Ivy Hensel (#13502)
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com
ATTORNEYS FOR PLAINTIFF

Electronically Filed 01/28/2015 10:22:00 AM

CLERK OF THE COURT

DISTRICT COURT

EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY NEVADA

Plaintiff,
vs.

SONORAN BARBEQUE NEVADA, LLC.
dba and aka FAMOUS DAVE'S, a
Nevada limited liability company;
EMPLOYEE(S)/AGENT(S) DOES 1-10;
and ROE CORPORATIONS 11-20,
inclusive,

Case No.: A- 15- 713050- C

Dept.:

XXI I

COMPLAINT

(JURY DEMAND)

Defendants.

COMES NOW Plaintiff Linda Welsh ("Plaintiff" or "Welsh,") by and through her attorney, Christian Gabroy, Esq. of Gabroy Law Offices, and hereby alleges and complains against Defendant Sonoran Barbeque Nevada, LLC doing business as and also known as Famous Dave's ("Defendant" or "Famous Dave's") as follows:

JURISDICTION AND VENUE

This is a civil action for damages under state and federal laws prohibiting unlawful employment actions and to secure the protection of and to redress deprivation of rights under these laws.

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2.	Jurisdiction and venue is based upon the Americans with Disabilities Act
("ADA"), 42 U	J.S.C. §12101, <i>et. seg.</i> and NRS Chapter 613.

- 3. Plaintiff demands a jury trial on all issues triable by jury herein.
- 4. All alleged unlawful employment actions occurred in this judicial district.

THE PARTIES

- 5. Plaintiff, at all relevant times, was
 - a. an individual residing in this judicial district;
 - b. an employee of Defendant as that term is defined in the Americans with Disabilities Act ("ADA"), 42 U.S.C.A § 12111, and NRS Chapter 613;
- 6. At all times relevant, Defendant was a domestic limited liability company organized under the laws of Nevada. Defendant was Plaintiff's employer as that term is defined by 42 U.S.C.A § 12111 and NRS Chapter 613.
- 7. DOE DEFENDANTS I-X, inclusive, are persons and ROE DEFENDANTS XI-XX, inclusive, are corporations or business entities (collectively referred to as "DOE/ROE DEFENDANTS"), whose true identities are unknown to Plaintiff at this time. These ROE CORPORATIONS may be parent companies, subsidiary companies, owners, predecessor or successor entities, or business advisors, de facto partners, Plaintiff's employer, or joint venturers of Defendants. Individual DOE DEFENDANTS are persons acting on behalf of or at the direction of any Defendants or who may be officers, employees, or agents of Defendants and/or a ROE CORPORATION or a related business entity. These DOE/ROE Defendants are Plaintiff's employer(s) and are liable for Plaintiff's damages alleged herein for their unlawful employment actions/omissions. Plaintiff will seek leave to amend this Complaint as soon as the true identities of DOE/ROE DEFENDANTS are revealed to Plaintiff.

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PROCEDURAL REQUIREMENTS

- Plaintiff has satisfied all administrative and jurisdictional requirements 8. necessary to maintain this lawsuit. Plaintiff timely filed her charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") on or about September 4, 2012. A true and correct copy of Plaintiff's charge of discrimination is attached hereto as Exhibit I. Such allegations of Exhibit I are hereby incorporated herein this Complaint.
- 9. Subsequently, the EEOC engaged in an investigation in regards to Plaintiff's charge of discrimination. See attached questionnaire hereto Exhibit II.
- 10. On or about August 11, 2014, the EEOC issued a determination letter in which the EEOC found reasonable cause to believe that Defendant had violated the requirements of the ADA. See a true and correct copy of the letter of determination from the EEOC attached hereto as Exhibit III. Such allegations of the letter of determination finding reasonable cause is hereby incorporated herein this Complaint.
- 11. On or about November 6, 2014, the EEOC issued Plaintiff a Notice of Right to Sue. See a true and correct copy of Plaintiff's right to sue attached hereto as Exhibit IV.

FACTUAL ALLEGATIONS

- 12. In or around July of 2010, Defendant hired Plaintiff as a server.
- 13. Plaintiff's job duties as a server include ensuring guest satisfaction, practicing teamwork by assisting servers running food, greeting tables, refilling beverages, standing and exerting fast-paced mobility for periods of up to eight hours in duration, transporting plates, transporting glass racks and product cases, and bending, kneeling, and stooping in order to wipe down tables.
 - At all relevant times, Plaintiff was an exemplary employee of Defendant. 14.
 - 15. At all relevant times. Plaintiff suffered and continues to suffer from a

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disability that substantially limited one or more of her major life activities. Plaintiff has multiple sclerosis ("MS"), an autoimmune disease that affects the brain and central nervous system.

- 16. In or around July of 2011, an agent of Defendant, Don Thomas, became Plaintiff's supervisor.
- In or around September 2011, Plaintiff informed her supervisor, Thomas, 17. that she had MS, a medical condition.
- 18. Thomas harassed and/or demeaned Plaintiff based upon her disability. Thomas ridiculed Plaintiff and called her "slow."
- 19. Thomas treated Plaintiff differently than the other servers based upon Plaintiff's disability. Thomas frequently assigned Plaintiff to the back section of the restaurant, which was the first section to be released if there were not many customers in the restaurant and the shift was slow.
- 20. On or about June 19, 2011, Plaintiff worked a double shift in the bar area section. Plaintiff was not able to take a break on that day. While working, Plaintiff was talking to a regular customer while leaning on a barstool. Subsequently, Thomas instructed Plaintiff to leave immediately. Plaintiff attempted to explain the situation, but Thomas refused to listen to Plaintiff. Other similarly situated employees would speak to this regular customer while working and, upon information and belief, such employees were not disciplined.
- 21. On or about the next morning, Plaintiff called her general manager, Mark Mcfawn, to explain the situation that prompted Thomas to send Plaintiff home from work. The general manager instructed Plaintiff to speak with him the next day in person.
 - 22. During her meeting with her general manager, Plaintiff informed him that

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she had MS, a medical condition.

- 23. Despite explaining the situation, Plaintiff's general manager who did not witness the incident administered an employee counseling statement in regards to the incident against Plaintiff. See attached employee counseling statement hereto as Exhibit V.
- Subsequently, Thomas scheduled shifts for servers and scheduled Plaintiff 24. during shifts in the morning that were slow shifts. Plaintiff was typically cut early during such scheduled shifts.
- 25. Thomas continued to ridicule, demean, discriminate against and/or harass Plaintiff.
- On or about November 5, 2011, Plaintiff was injured in a car accident while 26. leaving work on Defendant's property. While Plaintiff was being transported into an ambulance, her general manager ran to the scene and yelled to Plaintiff, "make sure they know about your MS."
 - 27. Plaintiff received medical treatment in order to recover from her injuries.
- 28. On or about December 5, 2011, Plaintiff inquired about returning to work. Thomas stated to Plaintiff that she needed a doctor's release to return to work in order for her to be able to be scheduled to work again.
- 29. On or about December 9, 2011, Plaintiff received a doctor's release to return to work that allowed her to return to work on December 14, 2011 with a work restriction against lifting ice. See attached release document hereto as Exhibit VI.
- 30. Upon information and belief, Defendant permitted other servers to work with the same restriction against lifting ice.
 - 31. On or about December 10, 2011, Plaintiff delivered her doctor's release to

return to work to Defendant.

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- 32. On or about two days after delivering her release to return to work to Defendant, Defendant left a voicemail message to Plaintiff informing Plaintiff that Defendant could not accept her release to return to work and that the human resources department required more paperwork.
- 33. On or about December 20, 2011, Plaintiff sent a facsimile message to Defendant again informing Defendant that she was released to return to work on December 14, 2011, but Thomas required more information from her doctor. Plaintiff contacted Defendant to request what additional information was needed to provide to her doctor. See attached facsimile message hereto as Exhibit VII.
 - 34. Defendant did not respond to Plaintiff's facsimile message.
- 35. Defendant terminated and/or constructively discharged Plaintiff because of her disability.

COUNT I **VIOLATION OF AMERICANS WITH DISABILITIES ACT/NRS 613.310**

- 36. Plaintiff hereby realleges and incorporates paragraphs 1 through 35 of this Complaint as though fully set forth herein.
- 37. At all times relevant, Plaintiff is a qualified individual under the ADA in that Plaintiff was an individual with a disability who has a physical impairment that substantially limits one or more major life activities, has a record of such impairment, and/or was a person who was regarded and/or perceived as having an impairment or disability.
- 38. Plaintiff suffered from MS, an autoimmune disease that substantially limited one or more of her major life activities.
 - 39. Plaintiff was released to return to work with a restriction in place that Page 6 of 8

restricted Plaintiff from lifting ice.

- 40. Plaintiff with or without reasonable accommodation could perform the essential functions of her job.
- 41. Upon informing Defendant of her impairment and her need for reasonable accommodation, Plaintiff was discriminated against and ultimately terminated based upon her actual disability and/or her perceived disability by Defendant in violation of the ADA. Further, Defendant discriminated against Plaintiff on the basis of her disability by failing to provide Plaintiff a reasonable accommodation and by failing to engage in the interactive process in good faith. Although Defendant could reasonably accommodate Plaintiff in compliance with Plaintiff's work restrictions, Plaintiff was terminated in violation of the ADA and based upon her disability.
- 42. The acts and/or omissions of Defendant and their agents complained of herein are in violation of the Americans with Disabilities Act in that Defendant discriminated and harassed Plaintiff on the basis of her impairment, failed to offer Plaintiff a reasonable accommodation, failed to engage in the interactive process with Plaintiff, and/or discriminated against Plaintiff. Thus, and at all times relevant, Plaintiff was discriminated against in violation of the Americans with the Disabilities Act/NRS 613.330 and terminated because of her disability.
- 43. The acts and/or omissions of the Defendant and their agents complained of herein are in violation of the Americans with Disabilities Act in that Defendant harassed and discriminated against Plaintiff on the basis of having an actual and/or perceived disability and/or for having a record of a disability.
- 44. The acts and/or omissions of the Defendant and their agents complained of herein are in violation of NRS 613.330 et. seq.

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45.	As a direct and proximate result of Defendant's unlawful activity, Plaintiff
has sustaine	ed damages in excess of \$10,000.00.
46.	The conduct of Defendant has been malicious, fraudulent or oppressive
was designe	ed to vex, annoy, harass or humiliate Plaintiff and, thus, Plaintiff is entitled
punitive dan	nages with respect to her claim.

As a result of Defendant's conduct, as set forth herein, Plaintiff has been 47. required to retain the services of an attorney and, as a direct, natural, and foreseeable consequence thereof, has been damaged thereby, and is entitled to reasonable attorney's fees and costs.

WHEREFORE, Plaintiff prays for a judgment against Defendant as follows:

- A. For general damages in excess of \$10,000.00;
- For special damages, where applicable, in excess of \$10,000.00; В.
- C. For compensatory damages in excess of \$10,000.00;
- For reasonable attorneys' fees and costs incurred in filing this action; D.
- For punitive damages on claims warranting such damages; E.
- Such other and further relief as this Court deems appropriate and just. F.

Dated this All day of January 2015.

Respectfully submitted,

GABROY LAW OFFICES

/s/ Christian Gabroy CHRISTIAN GABROY (#8805) The District at Green Valley Ranch 170 South Green Valley Parkway, Suite 280 Henderson, Nevada 89012 Tel (702) 259-7777 Fax (702) 259-7704

and

to

ÉEOC Form 5 (11/09)			
CHARGE OF DISCRIMINATION	Charge Prese	ented To: A	gency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	FEP		
	X EEO	С	487-2012-01160
Nevada Equal Rights C		***************************************	and EEOC
Name (Indicate Mr., Ms., Mrs.)		e Phone (Incl. Area C	ode) Date of Birth
Ms. Linda D. Welsh	•		
Street Address City, State and Z			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Co Discriminated Against Me or Others. (If more than two, list under PARTICULARS below	mmittee, or State o	r Local Governmen	t Agency That I Believe
Name		mployees, Members	Phone No. (Include Area Code)
FAMOUS DAVE'S #3161		Jnknown	
Street Address City, State and Z 4390 Blue Diamond Road, Las Vegas, NV 89139	IP Code		
7000 Dide Diamond Road, Las regas, 144 00 100			
Name	No. I	Employees, Members	Phone No. (Include Area Code)
Street Address City, State and 2	(IP Code		
DISCRIMINATION BASED ON (Check appropriate box(es).)		3	MINATION TOOK PLACE
RACE COLOR SEX RELIGION NATIONAL ORIGIN 04-01-20			04-01-2012
RETALIATION AGE X DISABILITY GENETIC INFORMATION			
OTHER (Specify)	o in only mon		CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
In or around July of 2010, I was hired by the Respondent.			
In July of 2011, Don Thomas became my supervisor. Due to his ridicule and treatment of me, I informed Mr.			
Thomas that I was disabled. This did not stop Mr. Thomas from subjecting me to ridicule and reduced hours.			
On or around 11/5/2011, I was in a car accident in the Respondent's parking lot. On or around 12/16/2011, I			
returned to work with a work release that had a restriction. Although others had been allowed to work with			
the same restriction, I was told by Mr. Thomas that I was not allowed to come back to work. On or about 04/01/2012, I was discharged. I believe my disability played a role in the discriminatory treatment I received.			
I believe that I was discriminated against in violation of the A amended.	merican with I	Disabilities Act	t of 1990, as
	٠.		
	•		NIN MANUFACTURE CONTRACTOR CONTRA
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their	TARY - When neces	sary for State and Lo	cal Agency Requirements
procedures.	wear or affirm that	I have read the abo	ove charge and that it is true to
I declare under penalty of perjury that the above is true and correct. the	e best offmy knowle GNATURE OF COMP	LAMANT THE ZOO	nd belief.
		EEOC/LVLC)
San Od 2012 Storm Wall St	DBSCRIBED AND SW		E THIS DATE
Sep 04, 2012 Charging Party Signature (III)	Farmer And St. J. Co. J.	. Pri . Bellevil de la Service de La Carre	and the second s
Official and organization			

Sept. 4 10 Am

PRE-COMPLAINT QUESTIONNAIRE INSTRUCTIONS

The United States Equal Employment Opportunity Commission (EEOC) can take only charges of illegal discrimination. This pre-complaint questionnaire is being given to help you decide whether or not your employment problem can be handled by the United States Equal Employment Opportunity Commission (EEOC). IT IS NOT MEANT TO DISCOURAGE YOU FROM FILING A CHARGE. If you have difficulty understanding these instructions or need special assistance, please ask to speak to the Intake Officer of the Day.

This means that the unfair treatment you claim to have received must have happened because of one or more of the reasons below:

- Your Race
- Your Color
- Your Sex
- Your National Origin or Ancestry
- Your Religious Beliefs
- Your Age (If you are age 40 or over)
- · Your Pregnancy
- Your Disability
- GINA (Genetic Information Non-Discrimination Act)
- Retaliation for the following: (1) because you opposed an act violating one of the laws enforced by the EEOC; (2) because you participated in any way in an investigation or proceeding conducted by the EEOC; or (3) because you associated with someone protected by one of the laws enforced by the EEOC.

UNFAIR TREATMENT THAT IS NOT DUE TO ONE OR MORE OF THE ABOVE REASONS IS NOT HANDLED BY THE EEOC. SOMETIMES EMPLOYMENT PRACTICES ARE UNFAIR, BUT NOT ILLEGAL.

Generally, a charge must be filed within 300 days of the date the alleged act of discrimination occurred. (Note: if you have already filed a charge with the Nevada Equal Rights Commission (NERC) covering thesame actions, it may not be necessary for you to also file with the EEOC. Stop and ask to speak to an intake representative at (702) 388-5013.

If you believe that the action taken against you was based on one or more of the above reasons, please complete the attached questionnaire and return it to:

Return completed form to Parsonna Russel, OAA
333 Las Vegas Boulevard South, Suite 8112
Las Vegas, Nevada 89101
(702) 388-5013, TDD (702) 388-5098 FAX (702) 388-5094
For information about the laws enforced by EEOC go to www.eeoc.gov

RECEIVED

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE

AUG 1 3 2012 OMMISSION EEOC/LVLO WTAKE

Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("BEOC"). REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

I, Personal Information		1 - 1 -	Nac	· : 1 0 0 .
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Street or Mailing Address:		Apt	or Unit#:	\$747 to carbo year old representations
Street or Mailing Address: [68] City: HanderSon	_County:	State: NV	Zip: 8703 Z	And the state of the same of t
Phone Numbers: Home:		WOLKI		
Cell: (Email Address: 💆	<u>XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX</u>	1@g-mail.cc	<u> </u>
Date of Birth:			lave a Disability? Ze	s 🗆 No
Please answer each of the next three q	juestions. i. Are you	Hispanic or Latino?	Yes ZNO	
ii. What is your Race? Please choose	all that apply.	ican Indian or Alaskan N	ative D Asian D W	/nite
			raiian or Other Pacific Isl	ander
iii. What is your National Origin (coun	ry of origin or ancestry)? INSN		
Please Provide The Name Of A Perso	n We Can Contact If	We Are Unable To Reac	h You:	
Name: Josephine Lyn Address: 2624 Falla	ch	Relationship:	WWW · Q	19057
Address: 2624 Fallas	Field Streity: 1	enderson state	Zip Code:	10.) 7
Home Phone: (212) 2 103 - 07	Other Pho	one: (702) 497-3	363	
2. I believe that I was discriminated	against by the following	ng organization(s): (Ch	eck those that apply)	
Employer D Union D Empl	ioyment Agency 🛛 🤇	Other (Please Specify)		
Organization Contact Information (I work from home, check here D and p	If the organization is an	employer, provide the ad	idress where you actually	worked. If you
involved, attach additional sheets.				
Organization Name: Address:	Cr	ounity:	enal Color	
City:	State: Zin:	Phone: ()	
Type of Business:	Iob Location if diffi	erent from Org. Address:		
Human Resources Director or Owner	- Name		Phone: ()	
Number of Employees in the Organ				
☐ Fewer Than 15 ☐ 15 - 100			re than 500	
3. Your Employment Data (Compl			aderal employee? 🗆 Yes	: LI No
Date Hired:	Inh Title At Hire	in the development of the		
Pay Rate When Hired:	Last	or Current Pay Rate:	all-salaha. E 6.0 merupakan sahari in sara sara menganan belah dalah dalah 1974-belah di Jamin yang belah sara	
) ob Title at Time of Alleged Discrin	nination:	Date Quite	Discharged:	
Name and Title of Immediate Super	visor:			a may be the first to the six of a second of the six of
and the second control of the second control	Andrew and section and section and an arrange of the section of			

4. What is the reason (basis) for your claim of employment discrimination? FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of that apply. If you complained about discrimination, participated in someone else's complaint.	
FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check that you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check that you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check that you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check	
all that apply. If you complained about asserting the state of taken, you should check the box next to Retaliation.	
□ Race □ Sex □ Age □ Disability □ National Origin □ Religion □ Retahation □ Pregnancy □ Color (5) petity of difference in skin shade within the same race) □ Genetic Information; circle which type(s) of genetic information is involved: Genetic testing	
If you checked color, religion or national origin, please specify:	
If you checked genetic information, how did the employer obtain the genetic information?	
Other reason (basis) for discrimination (Explain): I we M. S. + after a car accident T w 5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed. (Example: 10/02/06 - Discharged by Mr. John Sow, Production Supervisor) A. Dater SCOT. I Action: Limturmed my bosses that hack M.S. Del Cause when were making for of me what mark metaure (Name and Title of Person(s) Responsible: Don Thomas (manager) Mark Metaure (Ye fused my doctor's velease to vehing to lubry. Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N Name and Title of Person(s) Responsible Don Thomas (manager) Mark Metaure (O, N N N N N N N N N N	(ST. M.)
7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title? 7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title? Don d Mark Said Hat Hey do not accept you refer to the form who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed,	9
Of the persons in the same or similar situation as you, who was treated better than you? Full Name Race, Sex, Age, National Origin, Religion or Disability Job Title Description of Treatment Server When She was Pregnant She was revered of most duties. Bittem De Santos my hostess my bosses accompetated ner due to her pregnancy.	

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the persons in the same or similar situation as you, who was treated the same as you? Full Name Race, Sex, Age, National Origin, Religion or Disability Job Title	Description of Treatment
nswer questions 9-12 only if you are claiming discrimination based on disability. If not, s if you have more than one disability. Please add additional pages if needed.	skip to question 13. Please tell
. Please check all that apply: Yes, I have a disability I do not have a disability now but I did have one No disability but the organization treats me as if I	
10. What is the disability that you believe is the reason for the adverse action taken again or limit you from doing anything? (e.g., lifting, sleeping, breathing, walking, caring the following the control of the second of the	Snowtich YY1.5.
to her the Car accident (that happened puper ha) was denied my 100, na thought 11. Do you use modications, medical equipment or anything else to lesson or eliminate the sy	we appealing my
If "Yes," what medication, medical equipment or other assistance do you use? Mild Parm Oills, Nauscea, Needle injection	as at night.
12. Did you ask your employer for any changes or assistance to do your job because of ☐ Yes ☐ No	
If "Yes," when did you ask? How did you ask (verbally or in writing)!	
Who did you ask? (Provide full name and job title of person)	
Describe the changes or assistance that you asked for:	A A A A A A A A A A A A A A A A A A A

bey will say. (Please attach additional pages if needed to comple	nts? If yes, please identify them below and tell us what ete your response)
Full Name Job Title Address & Phone Number	r What do you believe this person will tell us?
Kristine hostess (702) 260.	Donworld make hun of met
Viconsoli etpo 4627	nashy comments to her +
N (0/1501) 9 70 1201	other employees
4. Have you filed a charge previously on this matter with the 5. If you filed a complaint with another agency, provide the n	
6. Have you sought help about this situation from a union, are provide name of organization, name of person you spoke with and ASICOL My AHMY (MASICA)	attorney, or any other source? ZYes D No date of contact. Results, if any? Colony for logal aduto
Expressionnaire. If you would like to the a charge of job discrimination, or within 300 days from the day you place where a state or local government agency enforces laws significant within the time limits, you will lose your rights, or you have concerns about EEOC's notifying the employer, us wish to check Box 1. If you want to file a charge, you should BOX 1 I want to talk to an EEOC employee before deciding to I have not filed a charge with the EEOC. I also understand that	. If you would like more information before filing a charge mion, or employment agency about your charge, you may check Box 2.
BOX 2 X I want to file a charge of discrimination, and I author I understand that the EEOC must give the employer, union, or e information about the charge, including my name. I also under discrimination based on race, color, religion, sex, national origin, discrimination.	rize the EEOC to look into the discrimination I described above. employment agency that I accuse of discrimination rstand that the EEOC can only accept charges of job disability, age, genetic information, or retaliation for opposing
معين.	season se
Lande DWOOd.	08.13.12
	Today's Date
Signature	1 outry 5 Date
PRIVACY ACT STATEMENT; This form is covered by the Privacy Act of 1974; Public Law 93- 1) FORM NUMBERTITLEIDATE, EEOC Intake Questionnaire (9/20/08), 2) AUTHORITY, 42	-579. Authority for requesting personal data and the uses thereof are:

5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this informalien is voluntary but the

failure to do so may bemper the Commission's investigation of a charge. It is not mandatory that this form he used to provide the requested information.

November 2009



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION Las Vegas Local Office

333 Las Vegas Blvd., South, Suite 8112 Las Vegas, NV 89101 Intake Information Group: (800) 669-4000 Intake Information Group TTY: (800) 669-6820 Las Vegas Status Line: (866) 408-8075 Las Vegas Direct Dial: (702) 388-5013 TTY (702) 388-5098 FAX (702) 388-5094

Website: www.eeoc.gov

EEOC Charge No. 487-2012-01160

Linda Welsh

Charging Party

Famous Dave's #3161 4390 Blue Diamond Road Las Vegas, NV 89139 Respondent

DETERMINATION

Under the authority vested in me by the Commission's Procedural Regulations, I issue the following determination on the merits of the subject charge filed under the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101-e et.seq. ("ADA").

Respondent is an employer within the meaning of the ADA and all requirements for coverage have been met. Timeliness and all requirements for coverage have been met.

Charging Party alleges she was discriminated against because of her disability in that she was denied a reasonable accommodation in the form of working with restrictions and she was subsequently discharged, in violation of the ADA. Charging Party further alleges that she was ridiculed and her work hours were reduced by management following her request for a reasonable accommodation, in violation of the ADA.

The Commission finds that there is reasonable cause to believe that Respondent denied Charging Party a reasonable accommodation and subsequently discharged her because of her disability, in violation of the ADA.

This determination is final. When the Commission finds that violations have occurred, it attempts to eliminate the alleged unlawful practices by informal methods of conciliation. Therefore, I invite the parties to join with the Commission in reaching a just resolution of this matter. Disclosure of information obtained by the Commission during the conciliation process will be made only in accordance with the confidentiality provisions of the ADA and Commission Regulations.

EEOC Determination EEOC Charge No. 487-2012-01160 Page 2 of 2

If the Respondent wishes to accept this invitation to participate in conciliation efforts, it may do so at this time by proposing terms for a conciliation agreement. Those terms should be provided to Amy Burkholder, Director, within fourteen (14) days of the date of this determination. The remedies for violations of the statutes we enforce are designed to make the identified victims whole, and to provide corrective and preventative relief.

Should the Respondent have further questions regarding the conciliation process or the conciliation terms it would like to propose, we encourage it to contact Director Burkholder. Should there be no response from the Respondent within fourteen (14) days, we may conclude that further conciliation efforts in this matter would be futile or non-productive.

On behalf of the Commission:

August 11, 2014

Amy Burkholder

Director

EEOC Form 161-A (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Notice of Right to Sue

(CONCILIATION FAILURE)

To: Linda D. Welsh

From: Las Vegas Local Office 333 Las Vegas Blvd South Suite-8112

Las Vegas, NV 89101

On behalf of person(s) aggrieved whose identity is CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

Michael Mendoza,

487-2012-01160

Investigator

(702) 388-5057

TO THE PERSON AGGRIEVED:

This notice concludes the EEOC's processing of the above-numbered charge. The EEOC found reasonable cause to believe that violations of the statute(s) occurred with respect to some or all of the matters alleged in the charge but could not obtain a settlement with the Respondent that would provide relief for you. In addition, the EEOC has decided that it will not bring suit against the Respondent at this time based on this charge and will close its file in this case. This does not mean that the EEOC is certifying that the Respondent is in compliance with the law, or that the EEOC will not sue the Respondent later or intervene later in your lawsuit if you decide to sue on your own behalf.

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

-OR behalf of the Commission

Enclosures(s)

Amy Burkholder, Local Office Director NOV 0 6 2014

(Date Mailed)

cc:

Christian J. Gabroy, Esq. Gabroy Law Offices The District at Green Valley Ranch 170 S. Green Valley Parkway Suite 280 Henderson, NV 89102

COMPANY CONFIDENTIAL EMPLOYEE COUNSELING STATEMENT

	Position: SERVER
Employee's Name: LINDA WELSH	
Department/Location: BLUE DIATIONO	Date: 60-19-11
Description/Observation LINDA WAS SITTIFFE AT BAR TALKS LIER SHIFT	HLE TO A GUEST DURITHE
Has employee been Oral/Written Counseled before? Date/Whom Yes No Topic/Issues	
I have informed the employee of the following standards that will importance of the standards: Standards/Comments LINDA HAS BEEN TOU 15 NOT EXCEPTABLE	be expected of him/her in the future and the O THAT THIS PRACTICE
I have informed the employee of the following consequences if he Comments IF SHE DOES IT ALAIN IT NO MICKE-UP.	the state of the s
No scheduled review This Supervisor's Signature AGUT, MAHAGER Title	matter will be reviewed within days Mul And Department Manager Section Manager Title
Date Date EMBLOYEL RESPON	
I have read the "concern" and understand it. I understand I can stabout this matter. I do do not wish to receive a concern	opy of this statement. Date

Case 2:15-cv-00659-APG-CWH Document 1-1 Filed 04/10/15 Page 27 of 38

Dr. Besse L. Chang Board Cer Fified Neurologist

Consultation EMG/NCV, EEG

RESTAURANT MGMNT

PAGE 02/02

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p.2

MEDICAL NEUROLOGY

8530 W. S - nset Road Suite 350 #NV 89113

Las Vegas,

www.MedicalNeurologyLV.com Phone: (702)851-1065 Fax: (702) 851-1066

WDICAL NEUROLOGY

Contact Information: W Phone: (702) 851-1065 & Fex: (702) 851-1066

To Whom it May Concern:

Please excuse the above named person from work or school due to a medical appointment and/or to return to work/school with the below restrictions (if any):

	December 9, 2011
December 14, 20	11
Date Date Descriptions Descriptions	ha.
2	Date Restrictions In Duty Stricted Duty as follows

Please don't hesitate to give us a call if you have any questions.

Sincerely,

Medical Neuroldgy Dr. Bess Chang

Case 2:15-cv-00659-APG-CWH Document 1-1 Filed 04/10/15 Page 29 of 38

12/20/2011 11:24

818--780-0160

FEDEX OFFICE

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PAGE 01

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FedExxOffice.	Fax Cover Sheet
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To:	From:
Name	Name Undu
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702-633-7428

Case 2:15-cv-00659-APG-CWH Document 1-1 Filed 04/10/15 Page 30 of 38

12/20/2011 11:24

FEDEX OFFICE 1902

PAGE 02

December 20, 2011

To Famous Dave's

Attn: Mark

As you know I was injured in a car accident on 11-05-2011. I am continuously under doctor's care because of my head and back injuries. I have a doctor's release letter to return to work as of 12-14-2011. I brought this letter into Don last Friday hoping to be able to return to work. Don told me that human resources is requiring much more information from my doctor. Would you please fax me a written request so I can take this to my doctor therefore I will be able to provide the information needed to return to work. My fax number is 702-263-0796.

Thank You,

Linda Welsh

1 2 3 4 5 6 7 8		T COURT NTY, NEVADA
9	LINDA WELSH, an individual;	Case No.
10	Plaintiff,	Dept.
11	VS.	
12	SONORAN BARBEQUE NEVADA, LLC. dba and aka FAMOUS DAVE'S, a	Initial Appearance Fee Disclosure
13	Nevada limited liability company; EMPLOYEE(S)/AGENT(S) DOES 1-10;	
14 15	and ROE CORPORATIONS 11-20, inclusive,	
16	,	
17	Defendants.	
18	Pursuant to NRS Chapter 19, filing fee	s are submitted for parties appearing in the
19	above-captioned action as indicated below:	
20	Linda Welsh, Plaintiff	\$270.00
21	TOTAL REMITTED	\$270.00
22	Dated this 28th day of January 2015.	+-
23	Dated this 20th day of Sandary 2015.	
24		
25		
26		
27		
28		

Case 2:15-cv-00659-APG-CWH Document 1-1 Filed 04/10/15 Page 32 of 38

GABROY LAW OFFICES.

By: Christian Gabroy (#8805)
Ivy Hensel (#13502)
170 South Green Valley Parkway,
Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704
christian@gabroy.com

ATTORNEYS FOR PLAINTIFF

n. . n . ca

Case 2:15-cv-00659-APG-CWH Document 1-1 Filed 04/10/15 Page 33 of 38

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GABROY LAW OFFICES

170 S. Green Valley Pkwy., Suite 280 Henderson, Nevada 89012 (702) 259-7777 FAX: (702) 259-7704

> tu) Fax Tel 170 South Green Valley Parkway, Suite 280 lvy Hensel, Esq. (#13502) The District at Green Valley Ranch Christian Gabroy, Esq. (#8805) GABROY LAW OFFICES christian@gabroy.com Henderson, Nevada 89012 Attorneys for Plaintiff (702) 259-7777 (702) 259-7704

NOTC

DISTRICT COURT

CLARK COUNTY, NEVADA

LINDA WELSH, an individual;

Plaintiff,

S

dba and inclusive, EMPLOYEE(S)/AGENT(S) DOES Nevada SONORAN BARBEQUE NEVADA, LLC. ROE and a Ka limited CORPORATIONS **FAMOUS** liability DAVE'S, company; 1-10;

Defendants

Dept.: Case No. A-15-713050-C

NOTICE OF AFFIDAVIT OF SERVICE UPON DEFENDANT SONORAN BARBEQUE NEVADA, LLC

NOTICE OF AFFIDAVIT OF SERVICE UPON DEFENDANT SONORAN BARBEQUE NEVADA, LLC

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COMES NOW Plaintiff Linda Welsh by and through her attorney of record,

Christian Gabroy, Esq. of Gabroy Law Offices, and hereby Notices the Affidavit of

 \equiv

Page 1 of 2

Electronically Filed 03/31/2015 05:26:24 PM

CLERK OF THE COURT

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26

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Service Upon	Defendant So	noran Barbequ	e Nevada,	LLC. (see	Exhibit I).
DATED this 3	1st day of Mar	rch 2015.			

RESPECTFULLY SUBMITTED,

GABROY LAW OFFICES

By Attorneys for Plaintiff
GABROY LAW OFFICES
Christian Gabroy (#8805)
Ivy Hensel (#13502)
The District at Green Valley Ranch
170 South Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Tel (702) 259-7777
Fax (702) 259-7704

Exhibit

EIGHT JUDICIAL DISTRICT COURT CLARK COUNTY

Linda Welsh

Plaintiff,

Case No: A-15-713050-C

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SONORAN BARBEQUE NEVADA, LLC

Defendant

Declaration of Service

STATE OF NEVADA COUNTY OF CARSON CITY

\$\$.:



WADE MORLAN, being duly sworn says: That at all times herein affiant was and is a citizen of the United States over 18 years of age, not a party to nor interested in the proceedings in which this affidavit is made.

The affiant received copy(ies) of the SUMMONS WITH COMPLAINT on 03/25/2015 and served the same on 03/25/2015 at 2:33 PM by delivering and leaving a copy with:

LINDA ROBERTSON, PROCESS SPECIALIST, pursuant to NRS 14.020 as a person of suitable age and discretion, of the office of THE CORPORATION TRUST COMPANY OF NEVADA, registered agent for SONORAN BARBEQUE NEVADA, LLC, at the registered address of:

Service address: 311 S. Division St., Carson City, NV 89703

A description of LINDA ROBERTSON is as follows:

Sex	Color of skin/race	Color of bair	Age	Height	Weight			
Female	White	Blonde	40S	5ft 10in	100-130lbs			
Other Peatures:								

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on: 03/26/2015 by WADE MORLAN

WADE MORLAN Registration#: R-006823

Reno/Carson Messenger Service, Inc. (Lic# 322)

No Notary is Required per NRS 53.045 185 Martin Street Reno, NV 89509





Dugan, Sonja

From:

no-reply@tylerhost.net

Sent:

Wednesday, April 01, 2015 9:53 AM

To:

Dugan, Sonja

Filing Type: EFS

Subject:

Service Notification of Filing Case(Linda Welsh, Plaintiff(s)vs.Sonoran Barbeque Nevada, LLC, Defendant(s)) Document Code:(NOTC) Filing Type:(EFS) Repository ID(6815718)

This is a service filing for Case No. A-15-713050-C, Linda Welsh, Plaintiff(s)vs.Sonoran Barbeque Nevada, LLC, Defendant(s)

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Submitted: 03/31/2015 05:05:24 PM

Linda Welsh, Plaintiff(s)vs.Sonoran Barbeque Nevada, LLC, Defendant(s)

Document title: NOTICE OF AFFIDAVIT OF SERVICE UPON DEFENDANT SONORAN BARBEQUE NEVADA, LLC

Document code: NOTC Repository ID: 6815718

Number of pages: 4

Filed By:

Gabroy Law Offices

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This link will be active until 04/10/2015 05:05:24 PM.

Service List Recipients: **Gabroy Law Offices** Chelsea Stuart Christian Gabroy, Esq. Ivy Hensel

Snell & Wilmer L.L.P. DOCKET Maricris Williams Sonja Dugan

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